



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

WAGNER, ET AL.

Serial No.: **09/113,446**

Filed: **07/10/1998**

For: **HOUSING FOR PORTABLE HANDHELD ELECTRONIC DEVICE**

Art Unit: **3624**

Examiner: **G. ANDERSON**

[Handwritten signature and file number 8/37180]

REQUEST FOR RECONSIDERATION

Assistant Commissioner
for Patents
Washington, D. C. 20231

Dear Sir:

In response to the outstanding final Office Action mailed May 23, 2000, Applicant respectfully requests reconsideration of the rejection of pending claims 6-11¹.

The Examiner contends that the housing of Schmidt "is defined with reference to Figure 1, in column 11 as the head portion continuously extends into contoured handle. Therefore the hollow body is a single piece." Applicant respectfully disagrees. Figures 1A through 3B all illustrate the same housing of the Schmidt device (see column 9, lines 61, et seq.). With particular reference to Figures 3A and 3B, Schmidt states: "In the illustrative embodiment, the hand-supportable housing is realized as a five-piece split-housing construction comprising: a first housing portion 9C...; a second housing half 9D...; a battery cover 9E...; a housing end cap 9F...; and a housing bumper 9G...." (Column 13, lines 48-67.) Schmidt clearly does not disclose a one-piece hollow body portion (note also that the joints between the five pieces are clearly shown in each of Figures 1A-1G).

¹ Claims 12 and 13 are indicated to be rejected; however, these claims were previously cancelled.



As the Examiner is well aware, for a claim to be rejected under 35 U.S.C. § 102(b), the cited reference must show each and every limitation of the rejected claim. Since Schmidt does not show a one-piece hollow body portion as required by claim 6 and all claims depending therefrom, the rejection of claims 6-8 under 35 U.S.C. § 102(b) based on Schmidt is improper and should be withdrawn. Furthermore, since Schmidt lacks the claimed one-piece hollow body portion, the rejection of claims 9-11 under 35 U.S.C. § 103 based on Schmidt should also be withdrawn.

Since the final rejection of May 23, 2000 is improper, Applicant respectfully requests that the finality of that action be withdrawn and that patentability of claims 6-11 be reconsidered based on the foregoing arguments, as well as the arguments presented in the Amendment filed March 2, 2000.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 23, 2000

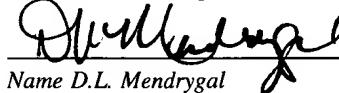
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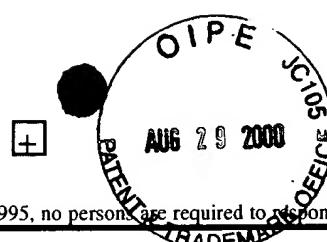
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Name D.L. Mendrygal

August 23, 2000

Date

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AF/GP 3624

PTO/SB/21 (12/97)

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

		Application Number	09/113,446 ✓	
		Filing Date	07/10/1998	
		First Named Inventor	WAGNER, ET AL.	
		Group Art Unit	3624	
		Examiner Name	G. ANDERSON	
TOTAL NUMBER OF PAGES IN THIS SUBMISSION		4	Attorney Docket Number	003470.P005

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication Group <input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> Postcard
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Remarks

In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. 02-2666.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP George W Hoover, Reg. No. 32,992
Signature	
Date	August 23, 2000

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